IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

WP(C).No. 28477 of 2007(M)

AGAINST THE ORDER IN EP 523/2003. IN
OP.262/2001 of MUNSIFF COURT, CHAVAKKAD

.....

PETITIONER:

P.V.JOSE, AGED 53, S/O. P.K.VARUNNI,
RESIDING AT "PERAMANGALAM HOUSE",
PATTAMBI ROAD, KUNNAMKULAM, THRISSUR DISTRICT.

BY ADV. SRI.THIYYANNOOR RAMAKRISHNAN
SRI.ARUN KUMAR.P

RESPONDENTS:

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1. VINCENT, S/O. PORATHUR CHAKKUNNI,
CHITTATUKARA DESOM, ELAVALLY VILLAGE,
CHAVAKKAD TALUK.

2. A.K.MOHANAN, S/O. KRISHNAN,
AYINIPULLY HOUSE, P.O.GURUVAYUR, THRISSUR.

BY ADV. SRI.P.RAMACHANDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF E.P.523/2003 ON THE FILE OF MUNSIFF COURT, CHAVAKKAD.

EXT. P2: COPY OF THE COUNTER AFFIDAVIT FILED BY THE PETITIONER IN E.P.

EXT. P3: COPY OF THE ENCUMBRANCE CERTIFICATE WITH RESPECT TO THE LAND SOLD BY THE PETITIONER.

EXT. P4(SERIES: PROFESSIONAL TAX RECEIPTS IN THE NAME OF P.I. JULIE INDUSTRIAL SECURITY SERVICE. (6 IN NO'S)

EXT. P5: COPY OF THE MUNSIFF COURT DT. 04-08-2006 IN E.P. 523/03 IN O.P.262/01.

EXT. P6: ORDER OF THE MUNSIFF COURT DT. 12-09-2007 IN E.P.523/03 IN O.P.262/01.

/TRUE COPY/

P.A. TO JUDGE

JP

M.N. KRISHNAN, J.

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W.P.C. NO. 28477 OF 2007

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Dated this the 24th day of October, 2007.

J U D G M E N T

This writ petition is preferred against Ext.P5 order whereby the learned Munsiff found that the writ petitioner has got sufficient means to pay and directed him to make a substantial payment within one month from 4th August, 2006. So many grounds are raised in the writ petition and ground No.8 relates to instalment facility to be given. As he is willing to pay the amount and as the decree holder also has no objection in fixing reasonable instalments for making payment, I dispose of the writ petition as follows.

2. The writ petitioner is directed to make payment of the balance decree amount in eight monthly equal instalments commencing from 23.11.07. If the writ petitioner commits default of two consecutive instalments he will forfeit the benefit granted under this order and the decree holder can pray the Court below for arrest and

detention of the writ petitioner in civil prison for realisation of the decree debt.

3. In the light of the above directions the writ petitioner shall not be detained in prison for the above mentioned period.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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